



## LAC LA BELLE MANAGEMENT DISTRICT

[www.llbmd.org](http://www.llbmd.org)

Commissioners Meeting

**THURSDAY, July 19, 2012 – 7:00 P.M.**

### **Town of Oconomowoc Town Hall**

6812 Brown Street

Oconomowoc, WI 53066

*“The LLBMD seeks to promote environmentally conscious and fiscally responsible decisions by providing education, enhancing a healthy lake ecosystem and ensuring safe use of Lac LaBelle for today and tomorrow.”*

#### Agenda

1. Call to Order

Paul Carpenter called the meeting to order at 7:00 P.M.

2. Roll Call of Commissioners

Present

Paul Carpenter

Karen Carr

Lou Morgan

Dave Falstad

Mike Fitzsimmons

Absent

Brian Wiemer

Dan Bauer

3. Comments from the Floor

R. Myhre, 115 Woodland Lane, stated he was present regarding items later in the agenda and wished to address the Commission at that time. He thanked the Commission for its efforts in the past.

4. Correspondence

Emails

Various emails from Kathy Buss, City of Oconomowoc, regarding lake levels:

(5/18, 5/22, 5/29, 6/5, 6/11, 6/14, 7/3, and 7/13)

Various emails from Peter Carpenter & Cara Sherlock, Thoroughbred Designs re: website (5/17, 5/21, 5/22, 5/25, 6/1, 6/15, 6/25, 7/5 and 7/11)

May 17, 2012 – Mike Jones, USDA re: Goose Round-Up

May 22, 2012- Bill King re: LLB buoys

May 22, 2012 – Mark Frye re: Summary Minutes of Dam Operations Public Info. meeting

May 31, 2012 – Mark Frye re: Weeds and Fish Screen

June 1, 2012 – Christa Suter re: Shoreland Restoration Info.

June 4, 2012 – Bill King re: water levels

June 4, 2012 – Lisa Reas: 2012 Shoreland Restoration program  
Jun 4, 2012 - WAL newsletter re: North Central Counties Lakes Association Workshop  
June 7, 2012- Alex Swendson re: options for drawing more participants to Carpfest  
June 7, 2012 – Christa Suter re: Shoreland Restoration Info.  
June 9, 2012 – WAL newsletter re: North Central Counties Lakes Association Workshop reminder  
June 12, 2012 – WAL newsletter for June re: Awards, Invasives, and Shoreland Zoning  
June 19, 2012 – Christa Suter re: Shoreland Restoration info. specific to her property  
June 24, 2012 - 5 Nines LLC re: Domain Renewal  
June 27, 2012 - Mike Jones re: USDA re: Goose Round-Up  
June 28, 2012 – WAL newsletter re: Shoreland Restoration at the Executive Residence  
June 29, 2012 – Heidi Bunk re: buoy placement  
July 11, 2012 - Lisa Conley re: Newsletter from Friends of Beaver Lake  
July 19, 2012 - Mark Frye re: 2013 Goose Round Up

5. Approval of Minutes (May 17, 2012)

**D. Falstad moved to approve the minutes from the May 17, 2012 meeting as presented. M. Fitzsimmons seconded the motion. There was no further discussion. All were in favor. Motion carried.**

6. Treasurer's Report

M. Fitzsimmons explained the June 15, 2012 and July 15, 2012 Treasurer's Reports, including additional expenses for Carpfest requiring reimbursement to K. Carr in the amount of \$66.28 for trophies and gift cards.

**D. Falstad moved to approve the June 15, 2012 and July 15, 2012 Treasurer's Report as presented. K. Carr seconded the motion. There was no further discussion. All were in favor. Motion carried.**

7. Payment Authorizations

**L. Morgan moved to approve the Payment Authorizations for June, 2012 and July, 2012 as presented with the addition of reimbursement to K. Carr in the amount of \$66.28 for Carpfest prizes. D. Falstad seconded the motion. There was no further discussion. All were in favor. Motion carried.**

8. Discuss & Act on Dam Replacement

P. Carpenter explained he asked M. Frye to be present at this meeting to provide background and history on the dam on West Wisconsin Avenue in Oconomowoc.

Mark Frye, City of Oconomowoc Public Works Director, explained he was unsure when the dam was constructed; however, he thought it a minimum of 60 years old. In 2007, the dam was inspected by Mead & Hunt and a complete replacement was recommended at that time due to cracking and spalling in the piers. The dam was a simple structure, constructed mainly of concrete, with slots to hold planks for holding back water. A decision was made in 2007 to coordinate the construction of Wisconsin

Avenue with reconstruction of the dam structure. He went on to explain the chronology of the bidding process the City had utilized to date, noting that in 2011 letters were sent to the Town of Oconomowoc and the Village of Lac La Belle regarding the cost of the dam as residents of all communities shared in the benefits of the dam. At that time it was recommended that the reconstruction of the dam be split three ways with each municipality bearing a cost of approximately \$74,000.00 based on estimates at that time. In February, 2012, discussions began that the LLBMD should consider participating in the cost of the dam replacement as all enjoyed equal enjoyment from the dam. While the dam was not considered valuable in times of high water, in times of low water it did provide use of the lake for all residents as it was able to hold back water. In May, 2012, bids were opened for the reconstruction project with competitive bidding among eight contractors. These bids ranged in price from \$142,000.00 to \$246,000.00. It was also during this time that discussions were held with municipal leaders and P. Carpenter regarding contributions from the LLBMD to offset the cost of reconstructing the dam. Recently the Town of Oconomowoc Town Board had voted approval of paying their share of the dam. M. Frye suggested the Commission consider funding the project or providing some monetary participation in the dam replacement project at this time.

L. Morgan stated that in discussions of cost sharing for this project, it was his understanding that the City owned the dam. He questioned whether the construction of the dam would include new ownership to different municipalities. M. Frye stated there would be no change to the ownership of the dam. L. Morgan questioned whether the dam had any worth to the City. M. Frye stated the value was related to the activities around it. It would never be used for any hydroelectricity, etc. as it was a very small dam. As classified it was too small to receive any grant funding and there would be no emergency if it failed as it only included a six inch drop from the high side to the low side. Its purpose was to hold back water to keep the lake levels up. He noted that in times of low water, the dam was useful. In a year like this one with so little rainfall, the lake would be unusable without it.

D. Falstad questioned whether it was critical that the dam be replaced at this time. M. Frye stated the dam was showing cracked concrete and many other issues that were very visible with the low water. At the time that Mead & Hunt had conducted its inspection, the cost of repair was 70% of replacement cost. He also explained that the dam structure would be replicated with only slight differences including a different walk on top, mounting pipes for possible future installation of a fish screen and holding mounts for planks. The existing grate would be rebuilt and reinstalled as part of the reconstruction as well. The height of the dam would not change at this time as during high water, the lake had more water coming in and less able to go out. This had nothing to do with the structure of the dam but was related instead to downstream impacts. Water quality would not be affected as a result of the new construction. The dam was considered a simple structure that had been doing its job well for decades and would continue to do so with the new construction.

P. Carpenter questioned whether the City had budgeted for its one-third share of this project for this year. M. Frye stated initially \$180,000.00 was budgeted; however, this was before the City thought it appropriate to commit to a cost sharing process for this project.

D. Falstad questioned the amount being requested from the Commission to improve the participation in costs for the reconstruction of the dam. L. Morgan questioned whether the Village of Lac La Belle had indicated commitment to the cost sharing in this project. George Stumpf, Village of Lac La Belle Administrator, stated the Village Board had committed to paying up to one-third of the costs for the project. Philosophically, the municipal leaders of the City, Town and Village were concerned that

both lake and non-lake residents were bearing the cost of the dam replacement. There was a question as to the benefits to all beyond the shoreline of the lake. The District was responsible for taxation of lake residents and was in a position to be able to tax for the dam. It was also noted that there was more than enough money in the cash accounts for the District and in his opinion, it seemed as though people were being taxed again while the District held the money for another purpose. He also noted future opportunities where the Commission might be asked to provide contributions to offset project costs. He thought making the District a 25% stakeholder in the reconstruction project would be appropriate as it would be more accurate in representation and philosophically would justify the project cost sharing.

Lisa Conley, 516 Lac La Belle Drive, stated she had helped to form the Lac La Belle Management District. The Lake and Watershed Protection Fund was designed to keep taxes at an even level for District residents over time. The fund was established to support the vision that the lake protection grants would supply approximately 75% of cost sharing in certain projects, would allow the fund to be worth three times that much for future projects as there was value in leveraging grants that would benefit the entire community. She also noted the boundaries of the lake district included lake and off-lake residents and those that lived in the Village of Lac La Belle paid more because the community was small. She was concerned about having the District pay for the replacement of the dam as proposed in the past as no ownership rights were being given to the District and there would be no legal control. Also, if potential projects were being considered in the future in dealing with runoff issues, it would be prudent and critical to ensure the money was available for those projects as they aligned with the overall vision of the District. The Commission could decide to hold a special meeting regarding special assessment of District residents or the matter could be voted upon at the Annual Meeting. With regard to measurement of lake levels, she suggested a gauge be placed into the dam structure to make readings easier in the future.

P. Carpenter questioned whether G. Stumpf was aware of the Wisconsin Board of Commissioners Public Lands. G. Stumpf stated he was and that municipalities use this vehicle for special financing on various projects; however, the District had the ability to amortize the debt incurred for projects related to the lake and should not feel limited to the amount being held in the bank. He stated the amount of cash in the bank may not be relevant to the potential of the District as a taxing authority because the District could leverage the money by borrowing less or more and this should not be considered a limiting factor in deciding the amount of funding to put forth for the dam replacement.

Discussion ensued regarding whether there was a limit on the amount of funding to be dedicated to a project without Annual Meeting consideration.

Norm Eckstaedt, W38N6115 Nokoma Drive, questioned whether the bylaws for the District included authorization to pay for a dam. P. Carpenter explained that was the philosophical question related to this matter. Commissioners had tried to bring forward the legacy and history of the District while moving forward with the mission of the District as a guide. Never before had the Commission been approached about a maintenance issue like the dam reconstruction project and he was concerned that approval for funding in this matter would allow requests for funding other maintenance issues to come forward as well. In the past, the District had been approached for purchase of different lands in the past and had developed criteria for land acquisition to be more efficient with District funds.

N. Eckstaedt stated he did not think it was appropriate that the District become involved in the

construction of a dam as lake residents were already heavily taxed. He thought the focus of the Commission should be to continue to work on water quality and safety of lake use for all and not get involved with the reconstruction of the dam. Furthermore, the cost sharing for the dam should be determined by the municipalities that owned the dam and consideration could perhaps be given to have the amount of shoreline determine the percentage of payment for the reconstruction. He also questioned the funding responsibility of ongoing maintenance of the dam. M. Frye stated maintenance was a “5 day a week” job. Adjustments were required and the City had taken on that responsibility in years past as the City owned the dam.

Bob Buttendorf, 632 Lac La Belle Drive and Village of Lac La Belle Trustee, explained that the Village Board did authorize spending \$75,000.00 or one-third of the project cost, at the last meeting. He implored the Commission to participate financially in this project as he thought the dam was needed to protect lake levels. Water quality and safety impacted property values around the lake. He was hopeful that the Commission would consider providing funding in this matter as the lake was a jewel in the community that generated revenue for all.

Ryan Myhre, 115 Woodland Lane, questioned whether the City had examined grant opportunities in this project. M. Frye stated various grant opportunities had been explored; however, the dam would not meet minimum qualifications for the funding. R. Myhre stated he had reviewed portions of the Administrative Code and he encouraged the City to reexamine the Code regarding this project. He stated he was in support of G. Stumpf in this matter as it seemed fair to have all municipalities paying an equal share and having the District residents pay a bit more. He stated this could be considered a grant or gift from the Board as the City would continue to have ownership of the dam and would continue to handle the maintenance of the dam.

G. Stumpf stated there were options available in this case and prior Boards actions should not bind this Board to future actions as all deserved to be considered on a case by case basis.

K. Carr questioned the amount of funding required if the District were to contribute one-fourth of the anticipated project costs. M. Frye anticipated that would be approximately \$50,000.00. K. Carr expressed concern in this matter as G. Stumpf had indicated potential project costs in the future related to runoff would be approximately \$175,000.00. With those two amounts, and only \$250,000.00 on the balance sheet for use in these matters, she was concerned. She understood the ability to tax and opportunity to borrow money; however, she thought the responsibility of the District leaned more toward lake health, environmental issues and water quality. She was concerned that spending the current funding on this project would mean that there was no money left for other issues related to the mission of the District.

L. Morgan stated historically his family had been involved in the lake management district activities for a long time. It was never his understanding that the monies generated would be used for a project like the one being proposed. The request did not fit the mission or initial intent of formation of the District. Also, he stated if the District did not have a solid balance sheet at this time, he did not believe discussions would be taking place on this matter. He thought to borrow money for the dam would be ridiculous and he did not anticipate that District residents would ever approve such an action. While he understood the need to relieve heavy taxation burdens for municipal residents, he did not think it fair to increase that burden by requiring double taxation for District residents for a project that was not within the District’s general scope of activities.

M. Fitzsimmons agreed with L. Morgan on all levels. He stated the fact that the Board could afford to financially support the reconstruction of the dam did not mean the levy should be increased to support a project outside the purview of the District. This should be left to the municipalities for expenditure.

John Evans, 280 Monastery Hill Drive, Village of Lac La Belle trustee, disagreed. All lake residents paid taxes and there was money sitting in the bank to be spent on the good of the lake. He thought this project provided good to both lake and non-lake property owners and funding the project should be considered.

L. Conley noted that she had not monitored changes to Chapter 33 of the Wisconsin statutes that governed lake districts; however, there were legal limits as to what could be taxed, levied and assessed. She thought it prudent for all leaders present to consider reviewing these statutes prior to moving forward.

At this time, P. Carpenter read into the record comments from Commissioner Dan Bauer who was unable to be present at this meeting. D. Bauer was concerned that the proposed request for funding of the reconstruction of the dam did not include repair and maintenance of the dam. This action was beyond the scope of the District's mission; however, he thought requests could be entertained regarding other aspects of the dam equipment such as gates, fences, fish screens, etc., that would seem to be part of the mission of the District.

G. Stumpf stated he was encouraged by the potential support of the District in future projects related to runoff issues. K. Carr stated this potential support was of importance and she was hesitant to spend money on the construction of the dam as future project costs were unknown at this point. She took seriously the responsibility to spend responsibly and she was not sure what the gain would be for the District in supporting funding for construction of the dam.

**M. Fitzsimmons moved to decline the request, in its entirety, to provide financial contribution to the reconstruction of the dam on West Wisconsin Avenue in Oconomowoc. L. Morgan seconded the motion. There was no further discussion. All were in favor. Motion carried.**

9. Update on Golf Course Creek

In response to a question from K. Carr, G. Stumpf explained the Wisconsin Department of Natural Resources had not yet provided approval of various parts of a proposed project related to Golf Course Creek. He was hopeful that a definitive response would be received soon.

Without objection from the Commission, P. Carpenter moved to Item 14 at this time.

10. Website Updates

a. Update on Renewal of Domain name

S. Keefe, of Accurate Business Communications, provided an update on the renewal of the Domain name for the Lac La Belle Management District website, noting that the renewal was being handled by Thoroughbred Design Group (TDG) as part of its contract with the District.

- b. Discuss & Act on Maintenance Issues (Thoroughbred Design Group)

S. Keefe reported the website required various maintenance upgrades to the infrastructure as reported by TDG Staff. These upgrades were referenced in the contract shared with the Commission. M. Fitzsimmons stated expenditures related to the website were currently under budget and the requested maintenance could be supported.

**L. Morgan moved to authorize TDG to handle maintenance issues, not to exceed \$1,200.00 annually. D. Falstad seconded the motion. There was no further discussion. All were in favor. Motion carried.**

11. Update on 2012 Newsletter

S. Keefe explained the newsletter had been distributed successfully and all present should have received a copy in the mail. The Annual Meeting notice would be distributed in the next month as well.

12. CarpFest

- a. Update on 2012 event

P. Carpenter noted that participation had decreased for the 2012 Carpfest event. Discussion ensued regarding the decline in participation in recent years. Discussion further ensued regarding whether a change was warranted in the contest prices or whether the contest should be eliminated at this time. K. Carr suggested the event be geared toward children rather than adults. R. Myhre suggested consideration be given to have a quiet generator given as a prize as an option. P. Carpenter stated the value of the contest seemed to be in the outreach of the program rather than fish eradication. M. Fitzsimmons stated he thought that commercial fishing efforts would do more for eradication and other opportunities could still exist for a kids program related to fishing. Potential options for holding a fishing contest for kids, in conjunction with the Wisconsin Free Fishing day, including educational information about fish and prizes for kids were shared at this time.

Consensus was indicated by the Commission for choosing an alternate fishing event to replace Carpfest in 2013. More discussions will take place on this matter in the future.

R. Myhre stated he liked the idea of utilizing a commercial fisherman as it seemed more fish could be removed for less money.

L. Morgan stated he would distribute the 2012 trophies and gift cards to Carpfest recipients.

- b. Discuss Options to Increase Participation at Carpfest

This matter was discussed as part of Item 12a.

13. Update on Goose Round-Up

P. Carpenter explained the permit application process that had been undertaken in the past year for the Goose Round-Up. Due to miscommunication, the District was not placed on the schedule for collection of geese as part of the Round-Up this year. M. Frye had indicated that the Fowler Lake Management District would be holding a Goose Round-up in 2013. Contaminant testing would be required for both Lac La Belle and Fowler Lake in 2013 and cost sharing could take place for this testing. Permission notices from residents that allowed the USDA to enter their property for the 2012 Round-Up would be kept on file until such time as the resident requested removal from the site list for the Round-Up.

N. Eckstaedt stated he appreciated the efforts of the District in this matter, and he would be willing to supply information about the location of geese for the anticipated 2013 Round-Up. M. Frye stated discussions would be held in the future regarding cost sharing for the contaminant testing.

Without objection, P. Carpenter moved to Item 10 at this time.

14. Discuss & Act on 2012 Shoreland Restoration Program

a. Discuss & Act on Consideration of Resident's Request

Christa Suter, N60 W38582 Blackhawk Drive, Oconomowoc, stated her family had recently purchased the property on Blackhawk Drive to utilize as a primary residence. As part of the upgrades to the house, a shoreland restoration project had begun. They had worked with a local contractor prior to being aware that the District's Shoreland Restoration project was available for cost sharing. She was now present to make an application for the Shoreland Restoration program and wondered if her project would still qualify.

Discussion ensued regarding the responsibilities of working with the District's landscape consultant in the Shoreland Restoration program. C. Suter stated nothing had been planted on the property at this point; however, a plan had been designed for the site. The DNR had approved her design plans for the work on the shoreline.

P. Carpenter suggested C. Suter discuss the issue of criteria related to the Shoreland Restoration program to determine if the contractor would be willing to work with District guidelines or the District's landscape consultant.

Without objection, P. Carpenter moved to Item 13 at this time.

15. Discuss & Act on Preliminary 2013 Budget

P. Carpenter briefly reviewed the terms of office held by various Commissioners that were due to expire at the end of this year. D. Bauer had expressed an interest in remaining on the Commission.

Discussion ensued regarding whether there was a need to increase the levy amount in the 2013 budget. K. Carr stated it seemed as if the money taken in was nearly the same amount as the money



allocated. She was concerned about the timing of the request for funding the reconstruction of the dam heard earlier this evening as well as any future projects related to runoff and Golf Course Creek.

M. Fitzsimmons stated that given the current economic state and the operational function of the District at this time, he would be comfortable proposing and replicating the 2012 budget for 2013. He anticipated being able to consider use of a commercial fisherman as part of the 2013 budget based on past information.

**M. Fitzsimmons moved to replicate the 2012 budget for the 2013 budget with the amounts and designations as presented. K. Carr seconded the motion. There was no further discussion. All were in favor. Motion carried.**

Discussion ensued regarding contributions to the Local Government Investment Pool and whether contributions had historically been made to this fund from the levy.

16. Discuss & Act on Annual Meeting/ Budget Notice

P. Carpenter stated the Annual Meeting for the Lac La Belle Management District would be held on Thursday, August 16, 2012. Possible topics for presentation at the Annual Meeting were suggested and various accomplishments from 2011-2012 were discussed. K. Carr stated she would research more information on Chapter 33 of the Wisconsin Statutes. M. Fitzsimmons stated he would provide an updated preliminary 2013 budget for use as part of the Annual Meeting/ Budget Notice.

17. Set Next Meeting Date

P. Carpenter noted the next meeting date would be the District's Annual Meeting on Thursday, August 16, 2012 at 7:00 P.M. at the Town of Oconomowoc Town Hall. The next regular meeting of the Commission was slated for Thursday, September 20, 2012 at 7:00 P.M. at the Town of Oconomowoc Town Hall.

18. Agenda for Next Meeting

The proposed Annual Meeting agenda was reviewed at this time and presentation responsibilities assigned. Commissioners should contact P. Carpenter or S. Keefe as soon as possible regarding placement of any items on the September 20, 2012 agenda.

19. Adjournment

**D. Falstad moved to adjourn from the meeting. L. Morgan seconded the motion. All were in favor. Motion carried. The meeting adjourned at 9:51 P.M.**

Minutes prepared by:

Accurate Business Communications, Inc.